

### **REMARKS**

Applicant has reviewed the Office Action mailed March 13, 2006. Claims 1, 44, 51 and 52 are being amended by this Response. Thus, claims 1, 3-9, 11-14, 18-21, and 43-61 are pending in the application. Applicant hereby requests further examination and reconsideration of the application in view of the following remarks.

No new matter is being added by the amendment of claims 1, 44, 51 and 52. Support for claims 1 and 44 in their amended form may be found throughout the specification, and particularly in paragraphs [0023] and [0026]. The amendment of claims 51 and 52 corrects their dependency.

In general, US Patent 6,047,274 (hereinafter "Johnson") discloses that residential customers have fairly predictable usage profiles and patterns. However, Johnson relies on this assumption to presuppose that energy usage is relatively consistent and, based upon this consistency, energy providers may effectively compete to provide energy to end users through an auction system. In this energy auction service, a bidding moderator receives bids from the competing suppliers of the rate each is willing to charge a particular end user for estimated quantities of electric power or gas supply. Each supplier receives competing bids from the moderator and has the opportunity to adjust its own bids, e.g., to reflect capacity utilization.

US Patent 6,021,402 (hereinafter "Takriti") discloses a risk management system for power providers that involves forecasting energy needs in the context of power-trading. This system is directed to the scheduling of operation of generating units of an electric utility taking into account load forecast to be met, fuel prices, different scenarios and different time frames.

"Forecasting load-duration curves" by Bruce et al (hereinafter "Bruce") discusses the forecasting of electricity load duration curves (i.e., the distribution of loads over a given period of time). Bruce focuses on the macro-scale electricity provider environment, for example countries such as New Zealand, and this forecast modeling allows for the prediction of electrical loads at different time intervals across several electrical power generation facilities.

In contrast to the cited prior art, the instant invention is directed to monitoring and predicting a consumer's utility usage based upon actual variations in usage by the individual consumer and, from this real-time data, making an optimal consumption determination from a plurality of utility provider/power sources based upon a price baseline determined at least in part as a percentage of a forecast load which will be met by the plurality of utility provider/power sources, as recited in claims 1 and 44 of the instant application.

***Claim Rejection -- 35 U.S.C. §103***

Claims 1, 3-9, 11-14 and 18-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Takriti in view of Bruce.

Claims 43-61 were rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Bruce.

Applicant respectfully submits that the amendment of independent claim 1, from which claims 3-9, 11-14, and 18-21 properly depends, obviates the §103(a) rejection of these claims over Johnson in view of Takriti in view of Bruce. Applicant submits that claim 43 properly depends from claim 1, therefore, the §103(a) rejection of claim 43 over Johnson in view of Bruce is obviated by the amendment of claim 1. Applicant further submits that the amendment of independent claim 44, from which claims 45-61 properly depends, obviates the §103(a) rejection of these claims over Johnson in view of Bruce. Therefore, Applicant respectfully requests withdrawal of both §103(a) rejections and allowance of claims 1, 3-9, 11-14, 18-21, and 43-61.

**CONCLUSION**

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited. Accordingly, notification to that effect is earnestly requested. In the event that issues arise in the application which may readily be resolved via telephone, the Examiner is kindly invited to telephone the prosecuting attorney, identified below, at (410) 347-8754 to facilitate prosecution of the application.

Appl. No. 09/267,176

Reply to: Office Action of March 13, 2006

Title: METHODS AND APPARATUS FOR A UTILITY PROCESSING SYSTEM

Respectfully submitted,  
Michael C. Burke,

Dated: September 13, 2006

By:



R. Christopher Rueppell  
Reg. No. 47,045  
Attorney for Applicant

R. Christopher Rueppell  
WHITEFORD, TAYLOR & PRESTON L.L.P.  
SEVEN SAINT PAUL STREET  
BALTIMORE, MARYLAND 21202-1626  
TELEPHONE: (410) 347-8754  
FACSIMILE: (410) 223-4174